

BILL HISTORY FOR SENATE BILL 255 (LRB-3247)

An Act to repeal 108.04 (7) (i), 108.05 (1) (h) and (i), 108.18 (2) (b), 108.20 (5) to (9) and 108.22 (1) (a) 2. to 4.; to renumber and amend 108.22 (1) (a) 5.; to amend 20.445 (1) (gd), 20.445 (1) (ge), 20.445 (1) (gf), 20.445 (1) (gg), 20.445 (1) (gh) (title), 20.445 (1) (n), 20.445 (1) (nb), 108.02 (4), 108.02 (12) (a), 108.02 (12) (b) (intro.), 108.04 (1) (b) 2., 108.04 (2) (a) 1., 108.04 (2) (a) 2., 108.04 (5), 108.04 (6), 108.04 (7) (title), 108.04 (7) (b), 108.04 (7) (h), 108.04 (11) (d), 108.04 (13) (d), 108.05 (1) (j) (intro.), 108.05 (3) (a), 108.09 (2) (bm), 108.09 (4s), 108.15 (3) (e), 108.151 (1), 108.16 (6) (e), 108.16 (6m) (e), 108.18 (2) (c), 108.18 (9) (figure) Schedule C, line 1, 108.18 (9) (figure) Schedule D, line 1, 108.19 (1e) (a), 108.19 (1e) (d), 108.20 (3), 108.205 (2), 108.22 (1) (a) 1., 108.22 (1) (b), 108.22 (1) (c) and 108.22 (8) (c) 1. a.; and to create 20.445 (1) (nc), 108.02 (4) (b), 108.02 (12) (bm), 108.04 (1) (c), 108.04 (2) (a) 3., 108.04 (7) (cm), 108.04 (7) (s), 108.04 (11) (cm), 108.04 (13) (d) 3. b., 108.05 (1) (k) and (L), 108.05 (3) (c), 108.06 (2) (cm), 108.095, 108.161 (3e) and 108.22 (1) (ac) of the statutes; relating to: various changes in the unemployment insurance law, granting rule-making authority, making appropriations and providing penalties. (FE)

1999

10-20.	S.	Introduced by Senators Baumgart and Zien ; cosponsored by Representatives Vrakas and Turner .	
10-20.	S.	Read first time and referred to committee on Labor	291
10-20.	S.	Public hearing held.	
10-20.	S.	Executive action taken.	
10-29.	S.	Fiscal estimate received.	
11-02.	S.	Report passage recommended by committee on Labor, Ayes 5, Noes 0	312
11-02.	S.	Available for scheduling.	
11-04.	S.	Read a second time	324
11-04.	S.	Referred to joint committee on Finance	324
11-11.	S.	Rules suspended to withdraw from joint committee on Finance and take up	346
11-11.	S.	Read a second time	346
11-11.	S.	Ordered to a third reading	346
11-11.	S.	Rules suspended	346
11-11.	S.	Read a third time and passed , Ayes 33, Noes 0	346
11-11.	S.	Ordered immediately messaged	346
11-11.	A.	Received from Senate	558
11-11.	A.	Read first time.	
11-11.	A.	Rules suspended and taken up	558
11-11.	A.	Read a second time	558
11-11.	A.	Ordered to a third reading	558
11-11.	A.	Rules suspended	558
11-11.	A.	Read a third time and concurred in , Ayes 97, Noes 0	558
11-11.	A.	Ordered immediately messaged	559
11-17.	S.	Received from Assembly concurred in.	

**1999
ENROLLED BILL**

99en S B- 255 -

ADOPTED DOCUMENTS:

☒ Orig ☐ Engr SubAmdt

99 - 3247 3

Amendments to above (if none, write "NONE"): none

Corrections - show date (if none, write "NONE"): none

Topic

Various changes in the
Unemployment Compensation Law

11/17/99

Date

John / Dy / Man
Enrolling Drafter

ELECTRONIC PROCEDURE:

Follow automatic or manual enrolling procedures in *TEXT2000 Reference Guide*, Document Specific Procedures, Ch. 20, Engrossing and Enrolling

DISTRIBUTION:

HOUSE OF ORIGIN:

- 11 copies plus bill jacket
- Secretary of State's envelope containing 4 copies plus newspaper notice

REVISOR OF STATUTES:

- 5 copies

DEPARTMENT OF ADMINISTRATION:

- 2 copies

LRB:

- Drafting file original
- Drafting attorney 1 copy
- Legal section editors 1 copy each
- Reference section 1 copy
- Bill index librarian 1 copy

1999 SENATE BILL 255

October 20, 1999 - Introduced by Senators BAUMGART and ZIEN, cosponsored by Representatives VRAKAS and TURNER. Referred to Committee on Labor.

1 **AN ACT to repeal** 108.04 (7) (i), 108.05 (1) (h) and (i), 108.18 (2) (b), 108.20 (5) to
2 (9) and 108.22 (1) (a) 2. to 4.; **to renumber and amend** 108.22 (1) (a) 5.; **to**
3 **amend** 20.445 (1) (gd), 20.445 (1) (ge), 20.445 (1) (gf), 20.445 (1) (gg), 20.445 (1)
4 (gh) (title), 20.445 (1) (n), 20.445 (1) (nb), 108.02 (4), 108.02 (12) (a), 108.02 (12)
5 (b) (intro.), 108.04 (1) (b) 2., 108.04 (2) (a) 1., 108.04 (2) (a) 2., 108.04 (5), 108.04
6 (6), 108.04 (7) (title), 108.04 (7) (b), 108.04 (7) (h), 108.04 (11) (d), 108.04 (13) (d),
7 108.05 (1) (j) (intro.), 108.05 (3) (a), 108.09 (2) (bm), 108.09 (4s), 108.15 (3) (e),
8 108.151 (1), 108.16 (6) (e), 108.16 (6m) (e), 108.18 (2) (c), 108.18 (9) (figure)
9 Schedule C, line 1, 108.18 (9) (figure) Schedule D, line 1, 108.19 (1e) (a), 108.19
10 (1e) (d), 108.20 (3), 108.205 (2), 108.22 (1) (a) 1., 108.22 (1) (b), 108.22 (1) (c) and
11 108.22 (8) (c) 1. a.; and **to create** 20.445 (1) (nc), 108.02 (4) (b), 108.02 (12) (bm),
12 108.04 (1) (c), 108.04 (2) (a) 3., 108.04 (7) (cm), 108.04 (7) (s), 108.04 (11) (cm),
13 108.04 (13) (d) 3. b., 108.05 (1) (k) and (L), 108.05 (3) (c), 108.06 (2) (cm), 108.095,
14 108.161 (3e) and 108.22 (1) (ac) of the statutes; **relating to:** various changes

SENATE BILL 255

- 1 in the unemployment insurance law, granting rule-making authority, making
2 appropriations and providing penalties.
-

Analysis by the Legislative Reference Bureau

This bill makes various changes in the unemployment insurance law. Significant provisions include:

BENEFIT RATE CHANGES

Currently, weekly unemployment compensation benefit rates for total unemployment range from \$44 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,100 during at least one quarter of the employee's base period (period preceding a claim during which benefit rights accrue) to \$297 for an employee who earns wages (or certain other amounts treated as wages) of at least \$7,425 during any such quarter. This bill adjusts weekly benefit rates for weeks of unemployment beginning on or after April 2, 2000, and before October 1, 2000, to rates ranging from \$45 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,125 during at least one quarter of the employee's base period to \$305 for an employee who earns wages (or certain other amounts treated as wages) of at least \$7,625 during any such quarter; and beginning on or after October 1, 2000, to rates ranging from \$46 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,150 during at least one quarter of the employee's base period to \$313 for an employee who earns wages (or certain other amounts treated as wages) of at least \$7,825 during any such quarter.

OTHER BENEFIT CHANGES***Partial unemployment***

Currently, if a claimant earns wages in a given week, the first \$30 of the wages are disregarded and the claimant's weekly benefit payment is reduced by 67% of the remaining amount of wages earned, but no claimant is eligible to receive benefits for any week if the benefits would be less than \$5 and any wages that the claimant would have earned in any week for work performed for his or her employer had the claimant accepted available work from that employer are treated as wages earned for that week. Any amount that a claimant earns for services performed as a volunteer fire fighter or volunteer emergency medical technician in any week does not reduce the claimant's weekly benefit payment for that week. With certain exceptions, if a claimant works at least 35 hours in any given week for the employer that provided at least 80% of the wages or certain other payments that the claimant received during his or her base period (qualifying work period during which benefit rights accrue), the claimant is ineligible to receive any benefits for that week.

This bill provides, in addition, that a claimant is ineligible to receive any benefits for a week in which the claimant works a total of 40 or more hours for any employer or employers.

SENATE BILL 255***Search for work***

Currently, in order to receive benefits for a week in which a claimant earns no wages, a claimant must seek suitable work during that week, unless otherwise permitted by the department of workforce development (DWD) by rule. This bill provides that, during the 104-week period beginning on the day the law resulting from the bill takes effect, in order to receive benefits for a week in which a claimant earns no wages, the claimant must conduct a reasonable search for suitable work during that week, unless otherwise permitted by DWD by rule. Under the bill, the search must include two actions each week that constitute a reasonable search as prescribed by DWD by rule.

Benefits payable during voluntary leaves of absence

Currently, an employee is ineligible to receive benefits while the employee is on a voluntary leave of absence granted for a definite period, until the period ends or until the employee returns to work, whichever occurs first. This bill provides that if an employee is granted a leave of absence for any portion of a week, the employee's eligibility for benefits for that portion of a week shall be reduced by the amount of wages that the employee could have earned had the leave not been granted, by treating the wages that the employee would have earned for work the employee would have performed during the leave as wages actually earned and applying the same method for computing benefits that is used to determine the benefits payable to employees who are partially unemployed. The bill provides that DWD shall estimate the wages that an employee would have earned for any partial week if it is not possible to compute the exact amount of wages that the employee would have earned for that partial week.

Possession or use of controlled substances

Currently, if an employee is discharged for misconduct connected with his or her work (interpreted by the courts to include only misconduct that evinces wilful or wanton disregard of the employer's interests or carelessness or negligence in the performance of duties to such degree or recurrence as to manifest culpability or wrongful intent or exhibit such behavior as to endanger the physical safety of persons on the work site), the employee is ineligible to receive benefits until seven weeks have elapsed since the end of the week in which the discharge occurs and the employee earns wages after the week in which the discharge occurs equal to at least 14 times the employee's weekly benefit rate in employment covered by the unemployment compensation law of any state or the federal government. In addition, all wages earned with the employer that discharges the employee are excluded in determining the amount of any future benefits to which the employee is entitled. If an employee is suspended for good cause connected with his or her work, the employee is ineligible to receive benefits until three weeks have elapsed since the end of the week in which the suspension occurs or until the suspension is terminated, whichever occurs first. Under current law, DWD must prescribe, by rule, conditions under which an employee's possession, use or impairment due to use of a controlled substance (dangerous drug) or an employee's violation of a work rule relating to controlled substances testing constitutes misconduct or good cause for suspension for purposes of these provisions.

SENATE BILL 255

This bill deletes the requirement for DWD to promulgate this rule, thereby leaving determination of misconduct or good cause for suspension under these circumstances to be determined on a case-by-case basis.

Voluntary termination of work

Currently, if an employee voluntarily terminates his or her work with an employer, the employee is generally ineligible to receive benefits until four weeks have elapsed since the end of the week in which the termination occurs and the employee earns wages after the week in which the termination occurs equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. However, an employee may terminate his or her work and receive benefits without requalifying under this provision if the employee terminates his or her work with good cause attributable to his or her employer. In addition, an employee may voluntarily terminate his or her work and receive benefits without requalifying under this provision if the employee terminates his or her work because the employee's employer made employment, compensation, promotion or job assignments contingent upon the employee's consent to sexual contact or sexual intercourse.

This bill eliminates the second exception relating to sexual contact or sexual intercourse, but specifically provides that "good cause" under the first exception includes sexual harassment by an employer, an employer's agent or a co-worker of which the employer knew or should have known but failed to take timely and appropriate corrective action.

The bill also creates a new exception which provides that an employee may voluntarily terminate his or her work and receive benefits without requalifying if the employee terminates his or her work due to domestic abuse, concerns about his or her personal safety or harassment or concerns about the personal safety or harassment of members of the employee's household, the employee obtains a temporary or permanent order from a court in this state or another jurisdiction relating to domestic abuse, child abuse, harassment or contact with a child or vulnerable adult prior to terminating his or her work and the employee demonstrates that the order has been or is reasonably likely to be violated.

In addition, the bill creates another new exception which provides that an employee may voluntarily terminate his or her work and receive benefits without requalifying if the employee is hired to work a particular shift and the employee terminates his or her work as the result of a requirement by his or her employer to transfer his or her working hours to a shift occurring at a time that would result in a lack of child care to his or her minor children, provided that the employee is able to work and available to perform work during the same shift that the employee worked in the employee's most recent work for that employer.

Under the bill, the cost of benefits paid to an employee under the sexual harassment and child care exceptions is generally charged to the employer or employers that employed the employee during his or her base period (recent work period during which benefit rights accrue). The cost of benefits paid to an employee under the abuse, contact and harassment exception is charged to the balancing account of the unemployment reserve fund, which is financed from the contributions

SENATE BILL 255

(taxes) of all employers that are subject to a requirement to pay contributions, unless the employee's employer or employers do not pay contributions, in which case the cost of benefits is generally chargeable to the employee's employer or employers.

Employee status

Currently, in order to be eligible to claim benefits, an individual must, in addition to other requirements, be an "employee" as defined in the unemployment insurance law. Generally, an "employee" is an individual who performs services for an employer in employment covered under the unemployment insurance law, whether or not the individual is directly paid by the employer. However, an individual is not an "employee" if the individual performs services as an independent contractor. Except in the case of a logger or trucker performing services for an employer other than a governmental or nonprofit employer, to be considered an independent contractor, an individual must hold or have applied for an employer identification number with the federal internal revenue service or must have filed business or self-employment income tax returns with the federal internal revenue service in the previous year, and must meet at least six of eight other conditions concerning the individual's relationship to or direction or control over his or her business or the services that he or she performs. This bill provides instead, that during the four-year period beginning in the year 2000 (the specific date varies in different situations), an independent contractor (other than a logger or trucker as currently provided) must meet at least seven of ten conditions concerning the individual's relationship to or control over his or her business or the services that he or she performs. Two of the conditions that an individual may use to qualify as an independent contractor require the individual to have a federal employer identification number or to have filed business or self-employment income tax returns with the federal internal revenue service based on the services performed as an independent contractor. The other eight conditions are the same eight conditions that an individual may use to qualify as an independent contractor under current law.

Definition of base period

Currently, an employee's eligibility for and amount of benefits are determined with reference to the employee's "base period", which is the work period consisting of the first four of the five most recently completed quarters at the time that an employee begins a "benefit year" (period during which benefits are payable). This bill provides that, if an employee does not qualify to receive any benefits using the current definition of "base period", the employee's base period shall be the four most recently completed quarters at the time that an employee begins a benefit year. Under the bill, an employee whose benefits are computed using the alternate base period may not reuse any wages for a subsequent benefit claim based on the current definition of "base period", except for payment of Wisconsin supplemental or federal extended benefits (these benefits are paid during periods of high unemployment).

SENATE BILL 255**TAX CHANGES*****Solvency rate adjustment***

Currently, all employers that engage employees in work that is covered under the unemployment insurance law, other than governmental and nonprofit employers that elect to pay directly for the cost of benefits, must pay contributions (taxes) to finance unemployment insurance benefits. The total contribution rate of an employer is equal to the sum of the employer's contribution rate and the employer's solvency rate, each of which vary with the employment stability of the employer and the solvency of the unemployment reserve fund, from which benefits are paid. An employer's contributions payable as a result of its contribution rate are credited to the employer's account, while an employer's contributions payable as a result of its solvency rate are credited to the fund's balancing account, which is used to fund benefits not payable from any employer's account. This bill decreases the solvency rate payable by employers having a taxable annual payroll for unemployment insurance purposes of less than \$500,000 when the unemployment insurance fund has a balance of at least \$900,000,000 from 0.02% of an employer's payroll to 0.00% of an employer's payroll.

Special assessments payable by certain new employers

Currently, if a new employer is required to pay contributions (taxes) to the unemployment reserve fund and the employer's account is overdrawn as of January 31 or June 30 following any of the first three calendar years that the employer is subject to a contribution requirement because the total benefits charged to the account exceed the total contributions credited to the account as of one of those dates, the employer must pay a special assessment to the unemployment reserve fund in the amount of 1.3% of the employer's annual taxable payroll for unemployment insurance purposes for the calendar year preceding the year in which the account is overdrawn. This bill repeals the requirement to pay this assessment.

Special assessments for information technology systems

Currently, each employer that is subject to a contribution requirement must pay an annual special assessment for each year prior to 2000 in an amount that may not exceed the lesser of 0.01% of the employer's annual taxable payroll for unemployment insurance purposes or the employer's solvency contribution for that year for the purpose of financing the design or development of unemployment insurance information technology systems. The department of workforce development (DWD) must reduce the solvency rate that an employer must pay in each year prior to 2000 by the special assessment rate applicable to that employer for that year. (The solvency rate is the portion of an employer's contribution rate that is used to maintain the solvency of the unemployment reserve fund.) This bill makes the special assessment requirement and solvency rate offset applicable to calendar years 2000 and 2001. The bill also permits DWD to use the revenue generated by the assessments only for renovation and modernization of the unemployment insurance tax and accounting system.

SENATE BILL 255**OTHER CHANGES*****Quarterly wage report format***

Currently, each employer that is subject to the unemployment insurance law must file with DWD a quarterly report of the wages paid to each of its employees and certain other information. Employers of 250 or more employees must file the report using a medium approved by DWD. If an employer is delinquent in filing a report, the employer is subject to a tardy filing fee of \$15 to \$115, depending on the number of its employees. This bill applies this reporting requirement to all employers of 100 or more employees. The bill also provides that once an employer becomes subject to the electronic reporting requirement, the employer must continue to report electronically, regardless of the number of its employees, unless that requirement is waived by DWD. Under the bill, an employer that becomes subject to an electronic reporting requirement is not required to file electronically until the fourth quarter after the quarter in which the requirement first applies. In addition, the bill changes the amounts of the tardy filing fees from not less than \$25 to not more than \$75, and permits DWD to assess a penalty against any employer that is subject to an electronic reporting requirement and that fails to report using an electronic medium approved by DWD in the amount of \$10 for each employee whose information is not reported using an approved electronic medium.

Use of interest and penalty revenues

Currently, DWD collects interest on late payments required to be made to DWD by employers and various penalties for late payments and certain other infractions under the unemployment insurance law. The revenues from interest and penalties are used to finance administration of the unemployment insurance and other employment security programs, including employment security building construction costs and operation of public employment offices. This bill discontinues use of these interest and penalty revenues for employment security building construction and administrative purposes. Under the bill, the only authorized purpose for which these revenues may be used is unemployment insurance administration.

Fraudulent claims for benefits

Currently, if a person makes a false statement or representation in order to obtain benefits that are payable to another person, DWD may file a civil lawsuit to recover the amount of the benefits improperly paid. In addition, the person making the fraudulent statement or representation is guilty of a misdemeanor and is subject to a fine of not less than \$100 nor more than \$500 or imprisonment for not more than 90 days, or both, for each false statement or misrepresentation.

This bill provides, in addition, that DWD may, after an investigation, issue an administrative determination requiring the repayment of any benefits that were obtained in the name of another person and that were obtained by means of a false statement or representation and may also require the offender to pay an additional amount equal to not more than 50% of the amount of the benefits obtained. The determination may be appealed.

SENATE BILL 255***Grace period for reimbursements***

Currently, public employers and nonprofit organizations may elect, in lieu of paying contributions to the unemployment reserve fund, to reimburse the fund for any benefit payments made by the fund that are chargeable to these employers. Any reimbursement is due not later than 20 days after DWD mails a bill to an employer for the reimbursement. This bill provides if DWD receives any such reimbursement by the last day of the month in which that 20th day occurs, the employer making the reimbursement is not liable for any interest or penalty.

Reissuance of voided benefit checks

Currently, if an unemployment insurance benefit check is not presented for payment within one year after its date of issue, the amount of the check is credited to the unemployment reserve fund and a replacement check may be issued within one year after the date on which the check becomes void.

This bill provides, instead, that, if an unemployment insurance benefit check is not presented for payment within one year after its date of issue, the amount of the check is credited to the unemployment reserve fund. The bill also provides that a replacement check may be issued if the employee to whom the original check was payable makes application therefor within six years after the date of issue of the original check. The change is retroactive to checks issued on or after January 1, 1995.

Use of federal employment security moneys

Currently, federal moneys received by this state under the federal Reed Act of 1954 may be used to pay benefits or for employment security administration, including unemployment insurance, the public employment service and related statistical operations. This bill provides, in accordance with federal law, that the moneys allocated to this state for federal fiscal years 2000, 2001 and 2002 may only be used for unemployment insurance administration.

Charging of certain improperly paid benefits

Currently, when DWD pays benefits to an employee improperly due to a departmental error, the account of the employer is not charged for the benefits. This bill removes conflicting language in current law to clarify that if the employer is subject to a requirement to pay contributions to the unemployment reserve fund, the cost of any benefits that are improperly paid to an employee of the employer and that are not recovered from that employee is charged to the balancing account of the unemployment reserve fund. The bill also clarifies that if benefits are erroneously paid to an employee due to the fault of an employer, the cost of the benefits is charged to the employer's account rather than the balancing account regardless of whether the benefits may have been paid as a result of a departmental error.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SENATE BILL 255

1 **SECTION 1.** 20.445 (1) (gd) of the statutes, as affected by 1997 Wisconsin Acts
2 27, 39 and 252, is amended to read:

3 20.445 (1) (gd) *Unemployment interest and penalty payments.* From the
4 moneys received as interest and penalties collected under ss. 108.04 (11) (c) and (cm)
5 and 108.22, assessments under s. 108.19 (1m) and forfeitures under s. 103.05 (5), all
6 moneys not appropriated under pars. (ge), (gf) and (gg) and all moneys transferred
7 to this appropriation account from the appropriation account under par. (gh) for the
8 payment of benefits specified in s. 108.07 (5) and 1987 Wisconsin Act 38, section 132
9 (1) (c), for the payment of interest to employers under s. 108.17 (3m), for the payment
10 of interest due on advances from the federal unemployment account under title XII
11 of the social security act to the unemployment reserve fund, and for payments made
12 to the unemployment reserve fund to obtain a lower interest rate or deferral of
13 interest payments on these advances, except as otherwise provided in s. 108.20.

14 **SECTION 2.** 20.445 (1) (ge) of the statutes is amended to read:

15 20.445 (1) (ge) *Unemployment reserve fund research.* From the moneys
16 received as interest and penalties collected under ss. 108.04 (11) (c) and (cm) and
17 108.22, the amounts in the schedule for research relating to the current and
18 anticipated condition of the unemployment reserve fund under s. 108.14 (6).

19 **SECTION 3.** 20.445 (1) (gf) of the statutes is amended to read:

20 20.445 (1) (gf) ~~*Employment security*~~ *Unemployment insurance administration.*
21 From the moneys received as interest and penalties collected under ss. 108.04 (11)
22 (c) and (cm) and (13) (c) and 108.22, the amounts in the schedule for the
23 administration of ~~employment service programs and~~ unemployment insurance
24 programs under ch. 108 and ~~s. 106.09~~ and federal or state unemployment insurance
25 programs authorized by the governor under s. 16.54; and for payments to satisfy any

SENATE BILL 255

SECTION 3

1 federal audit exception concerning a payment from the unemployment reserve fund
2 or any federal aid disallowance involving the unemployment insurance program.

3 **SECTION 4.** 20.445 (1) (gg) of the statutes is amended to read:

4 20.445 (1) (gg) (title) *Unemployment information technology systems tax and*
5 *accounting system; interest and penalties.* From the moneys received as interest and
6 penalties collected under ss. 108.04 (11) (c) and (cm) and (13) (c) and 108.22, as a
7 continuing appropriation, the amounts in the schedule for the purpose specified in
8 s. 108.19 (1e).

9 **SECTION 5.** 20.445 (1) (gh) (title) of the statutes is amended to read:

10 20.445 (1) (gh) (title) *Unemployment information technology systems tax and*
11 *accounting system; assessments.*

12 **SECTION 6.** 20.445 (1) (n) of the statutes is amended to read:

13 20.445 (1) (n) *Unemployment administration; federal moneys.* All federal
14 moneys received for the employment service under s. 106.09 (4) to (6), for the
15 administration of unemployment insurance or for the performance of the
16 department's functions under ch. 108, and for its other efforts to regularize
17 employment, except moneys appropriated under par. (nc), to pay the compensation
18 and expenses of appeal tribunals and of councils and to pay allowances stimulating
19 education during unemployment, to be used for such purposes except as provided in
20 s. 108.161 (3e), and to transfer to par. (nb) an amount determined by the treasurer
21 of the unemployment reserve fund not exceeding the lesser of the amount specified
22 in s. 108.161 (4) (d) or the amounts in the schedule under par. (nb).

23 **SECTION 7.** 20.445 (1) (nb) of the statutes is amended to read:

24 20.445 (1) (nb) (title) *Unemployment information technology systems tax and*
25 *accounting system; federal moneys.* As a continuing appropriation, the amounts in

SENATE BILL 255

1 the schedule, as authorized by the governor under s. 16.54, for the purpose specified
2 in s. 108.19 (1e). All moneys transferred from par. (n) for this purpose shall be
3 credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
4 treasurer of the unemployment reserve fund shall transfer any unencumbered
5 balance in this appropriation account that is not needed or available to carry out the
6 purpose of this appropriation to the appropriation account under par. (n). No moneys
7 may be expended from this appropriation unless the treasurer of the unemployment
8 reserve fund determines that such expenditure is currently needed for the purpose
9 specified in s. 108.19 (1e). ~~No moneys may be encumbered from this appropriation~~
10 ~~account after the beginning of the 3rd 12-month period beginning after May 21,~~
11 ~~1998.~~

12 **SECTION 8.** 20.445 (1) (nc) of the statutes is created to read:

13 20.445 (1) (nc) *Unemployment insurance administration; special federal*
14 *moneys.* All moneys received from the federal government under section 903 of the
15 federal Social Security Act, as amended, as authorized by the governor under s.
16 16.54, for federal fiscal years 2000, 2001 and 2002, to be used for administration of
17 unemployment insurance.

18 **SECTION 9.** 108.02 (4) of the statutes is amended to read:

19 108.02 (4) BASE PERIOD. ~~An employee's "base~~ "Base period" means the period
20 that is used to compute an employee's benefit rights under s. 108.06 consisting of the:

21 (a) The first 4 of the 5 most recently completed quarters preceding the
22 employee's benefit year, ~~which is used to compute his or her benefit rights for that year~~
23 under s. 108.06.; or

24 **SECTION 10.** 108.02 (4) (b) of the statutes is created to read:

SENATE BILL 255**SECTION 10**

1 108.02 (4) (b) If an employee does not qualify to receive any benefits using the
2 period described in par. (a), the period consisting of the 4 most recently completed
3 quarters preceding the employee's benefit year.

4 **SECTION 11.** 108.02 (12) (a) of the statutes is amended to read:

5 108.02 (12) (a) "Employee" means any individual who is or has been performing
6 services for an employing unit, in an employment, whether or not the individual is
7 paid directly by such employing unit; except as provided in par. (b), (bm), (c) or (d).

8 **SECTION 12.** 108.02 (12) (b) (intro.) of the statutes is amended to read:

9 108.02 (12) (b) (intro.) Paragraph During the period beginning on January 1,
10 1996, and ending on December 31, 1999, and during the period beginning on January
11 1, 2004, with respect to contribution requirements, and during the period beginning
12 on January 1, 1996, and ending on April 1, 2000, and during the period beginning
13 on April 4, 2004, with respect to benefit eligibility, par. (a) does not apply to an
14 individual performing services for an employing unit other than a government unit
15 or nonprofit organization in a capacity other than as a logger or trucker, if the
16 employing unit satisfies the department that:

17 **SECTION 13.** 108.02 (12) (bm) of the statutes is created to read:

18 108.02 (12) (bm) During the 4-year period beginning on January 1, 2000, with
19 respect to contribution requirements, and during the period beginning on April 2,
20 2000, and ending on April 3, 2004, with respect to benefit eligibility, par. (a) does not
21 apply to an individual performing services for an employing unit other than a
22 government unit or nonprofit organization in a capacity other than as a logger or
23 trucker, if the employing unit satisfies the department that the individual meets 7
24 or more of the following conditions by contract and in fact:

SENATE BILL 255**SECTION 13**

1 1. The individual holds or has applied for an identification number with the
2 federal internal revenue service.

3 2. The individual has filed business or self-employment income tax returns
4 with the federal internal revenue service based on such services in the previous year
5 or, in the case of a new business, in the year in which such services were first
6 performed.

7 3. The individual maintains a separate business with his or her own office,
8 equipment, materials and other facilities.

9 4. The individual operates under contracts to perform specific services for
10 specific amounts of money and under which the individual controls the means and
11 methods of performing such services.

12 5. The individual incurs the main expenses related to the services that he or
13 she performs under contract.

14 6. The individual is responsible for the satisfactory completion of the services
15 that he or she contracts to perform and is liable for a failure to satisfactorily complete
16 the services.

17 7. The individual receives compensation for services performed under a
18 contract on a commission or per-job or competitive-bid basis and not on any other
19 basis.

20 8. The individual may realize a profit or suffer a loss under contracts to perform
21 such services.

22 9. The individual has recurring business liabilities or obligations.

23 10. The success or failure of the individual's business depends on the
24 relationship of business receipts to expenditures.

25 **SECTION 14.** 108.04 (1) (b) 2. of the statutes is amended to read:

SENATE BILL 255**SECTION 14**

1 108.04 (1) (b) 2. While the employee is on a voluntary leave of absence granted
2 for a definite period, until the period ends or until the employee returns to work,
3 whichever occurs first, except as provided in par. (c); or

4 **SECTION 15.** 108.04 (1) (c) of the statutes is created to read:

5 108.04 (1) (c) If a leave of absence is granted to an employee for a portion of a
6 week, the employee's eligibility for benefits for that partial week shall be reduced by
7 the amount of wages that the employee could have earned in his or her work had the
8 leave not been granted. For purposes of this paragraph, the department shall treat
9 the amount the employee would have earned as wages in that work for that week as
10 wages earned by the employee and shall apply the method specified in s. 108.05 (3)
11 (a) to compute the benefits payable to the employee. The department shall estimate
12 the wages that an employee would have earned for a partial week if it is not possible
13 to compute the exact amount of wages that the employee would have earned for that
14 partial week.

15 **SECTION 16.** 108.04 (2) (a) 1. of the statutes is amended to read:

16 108.04 (2) (a) 1. The individual is able to work and available for work ~~and is~~
17 ~~seeking suitable work~~ during that week; ~~and~~

18 **SECTION 17.** 108.04 (2) (a) 2. of the statutes is amended to read:

19 108.04 (2) (a) 2. As of that week, the individual has registered for work; ~~and~~

20 **SECTION 18.** 108.04 (2) (a) 3. of the statutes is created to read:

21 108.04 (2) (a) 3. The individual is seeking suitable work during that week or,
22 during the 104-week period beginning on the effective date of this subdivision
23 [revisor inserts date], the individual conducts a reasonable search for suitable work
24 during that week. The work search required under this subdivision must include 2
25 actions that constitute a reasonable search as prescribed by rule of the department.

SENATE BILL 255

1 **SECTION 19.** 108.04 (5) of the statutes is amended to read:

2 **108.04 (5) DISCHARGE FOR MISCONDUCT.** An employee whose work is terminated
3 by an employing unit for misconduct connected with the employee's work is ineligible
4 to receive benefits until 7 weeks have elapsed since the end of the week in which the
5 discharge occurs and the employee earns wages after the week in which the discharge
6 occurs equal to at least 14 times the employee's weekly benefit rate under s. 108.05
7 (1) in employment or other work covered by the unemployment insurance law of any
8 state or the federal government. For purposes of requalification, the employee's
9 weekly benefit rate shall be that rate which would have been paid had the discharge
10 not occurred. The wages paid to an employee by an employer which terminates
11 employment of the employee for misconduct connected with the employee's
12 employment shall be excluded from the employee's base period wages under s. 108.06
13 (1) for purposes of benefit entitlement. ~~The department shall, by rule, prescribe the~~
14 ~~conditions under which an employee's possession, use or impairment due to use of a~~
15 ~~controlled substance, as defined in s. 961.01 (4), or a controlled substance analog, as~~
16 ~~defined in s. 961.01 (4m), or an employee's violation of a work rule relating to~~
17 ~~controlled substances testing constitutes misconduct.~~ This subsection does not
18 preclude an employee who has employment with an employer other than the employer
19 which terminated the employee for misconduct from establishing a benefit year using
20 the base period wages excluded under this subsection if the employee qualifies to
21 establish a benefit year under s. 108.06 (2) (a). The department shall charge to the
22 fund's balancing account any benefits otherwise chargeable to the account of an
23 employer that is subject to the contribution requirements under ss. 108.17 and
24 108.18 from which base period wages are excluded under this subsection.

25 **SECTION 20.** 108.04 (6) of the statutes is amended to read:

SENATE BILL 255

SECTION 20

1 108.04 (6) DISCIPLINARY SUSPENSION. An employe whose work is suspended by
2 an employing unit for good cause connected with the employe's work is ineligible to
3 receive benefits until 3 weeks have elapsed since the end of the week in which the
4 suspension occurs or until the suspension is terminated, whichever occurs first. The
5 department shall, by rule, prescribe the conditions under which an employe's
6 possession, use or impairment due to use of a controlled substance, as defined in s.
7 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), or an
8 employe's violation of a work rule relating to controlled substances testing
9 constitutes good cause for suspension. This subsection does not preclude an employe
10 from establishing a benefit year during a period in which the employe is ineligible
11 to receive benefits under this subsection if the employe qualifies to establish a benefit
12 year under s. 108.06 (2) (a).

13 **SECTION 21.** 108.04 (7) (title) of the statutes is amended to read:

14 108.04 (7) (title) VOLUNTARY TERMINATION OF EMPLOYMENT WORK.

15 **SECTION 22.** 108.04 (7) (b) of the statutes is amended to read:

16 108.04 (7) (b) Paragraph (a) does not apply if the department determines that
17 the employe terminated his or her work with good cause attributable to the
18 employing unit. In this paragraph, "good cause" includes, but is not limited to, a
19 request, suggestion or directive by the employing unit that the employe violate
20 federal or Wisconsin law, or sexual harassment, as defined in s. 111.32 (13), by an
21 employing unit or employing unit's agent or a co-worker, of which the employer knew
22 or should have known but failed to take timely and appropriate corrective action.

23 **SECTION 23.** 108.04 (7) (cm) of the statutes is created to read:

24 108.04 (7) (cm) Paragraph (a) does not apply if an employe is hired to work a
25 particular shift and if the department determines that the employe terminated his

SENATE BILL 255

1 or her work as the result of a requirement by his or her employing unit to transfer
2 his or her working hours to a shift occurring at a time that would result in a lack of
3 child care for his or her minor children, provided that the employe is able to work and
4 available for full-time work during the same shift that the employe worked in the
5 employe's most recent work with that employing unit. For purposes of sub. (2) (a),
6 such an employe is not deemed unavailable for work solely for refusing to work a shift
7 other than the one for which the employe was hired.

8 **SECTION 24.** 108.04 (7) (h) of the statutes is amended to read:

9 108.04 (7) (h) The department shall charge to the fund's balancing account
10 benefits paid to an employe that are otherwise chargeable to the account of an
11 employer that is subject to the contribution requirements of ss. 108.17 and 108.18
12 if the employe voluntarily terminates employment with that employer and par. (a),
13 (c), (d), (e), (k), (L), (o), (p) ~~or~~, (q) or (s) applies.

14 **SECTION 25.** 108.04 (7) (i) of the statutes is repealed.

15 **SECTION 26.** 108.04 (7) (s) of the statutes is created to read:

16 108.04 (7) (s) 1. In this paragraph:

17 a. "Domestic abuse" means physical abuse, including a violation of s. 940.225
18 (1), (2) or (3), or a threat of physical abuse by an adult family or adult household
19 member against another family or household member; by an adult person against his
20 or her spouse or former spouse; or by an adult person against a person with whom
21 the person has a child in common.

22 b. "Family member" means a spouse, parent, child or person related by
23 consanguinity to another person.

24 c. "Household member" means a person who is currently or formerly residing
25 in a place of abode with another person.

SENATE BILL 255**SECTION 26**

2. Paragraph (a) does not apply if the employee:

a. Terminates his or her work due to domestic abuse, concerns about personal safety or harassment, concerns about the safety or harassment of his or her family members who reside with the employee or concerns about the safety or harassment of other household members;

b. Prior to termination of his or her employment, obtains a temporary restraining order or an injunction under s. 813.12, 813.122, 813.123, 813.125 or 813.127, or has a foreign protection order recognized under s. 813.128; and

c. Demonstrates to the department that the order has been or is reasonably likely to be violated.

SECTION 27. 108.04 (11) (cm) of the statutes is created to read:

108.04 (11) (cm) Any person who makes a false statement or representation in order to obtain benefits in the name of another person may, by a determination or decision issued under s. 108.095, be required to repay the amount of the benefits obtained and be assessed an administrative assessment in an additional amount equal to not more than 50% of the amount of benefits obtained.

SECTION 28. 108.04 (11) (d) of the statutes is amended to read:

108.04 (11) (d) In addition to other remedies, the department may, by civil action, recover any benefits obtained by means of any false statement or representation or any administrative assessment imposed under par. (cm). Chapter 778 does not apply to collection of any benefits or assessment under this paragraph.

SECTION 29. 108.04 (13) (d) of the statutes is amended to read:

108.04 (13) (d) 1. If the department finds that any benefits charged to an employer's account have been erroneously paid to an employee without fault by the

SENATE BILL 255

1 employer, the department shall notify the employee and the employer of the erroneous
2 payment.

3 2. If recovery of an overpayment is permitted under s. 108.22 (8) (c) and benefits
4 are currently payable to the employee from the employer's account, the department
5 may correct the error by adjusting the benefits accordingly.

6 3. To correct any erroneous payment not so adjusted, ~~whenever recovery of an~~
7 overpayment is permitted under s. 108.22 (8) (c) that was charged to the account of
8 an employer that is subject to the contribution requirements of ss. 108.17 and 108.18,
9 the department shall:

10 a. If recovery of an overpayment is permitted under s. 108.22 (8) (c), restore the
11 proper amount to the employer's account and charge that amount to the fund's
12 balancing account, and shall thereafter reimburse the balancing account by
13 crediting to it benefits which would otherwise be payable to, or cash recovered from,
14 the employee, ~~unless the employer is a government unit or nonprofit organization~~
15 which has elected reimbursement financing. ~~or;~~

16 4. To correct any erroneous payment not so adjusted from the account of an
17 employer which is a government unit or a nonprofit organization and which has
18 elected reimbursement financing, ~~whenever recovery of an overpayment is~~
19 permitted under s. 108.22 (8) (c), the department shall:

20 a. If recovery of an overpayment is permitted under s. 108.22 (8) (c), credit to
21 the account benefits which would otherwise be payable to, or cash received from, the
22 employee; ~~or~~

23 b. If recovery of an overpayment is not permitted under s. 108.22 (8) (c), restore
24 the proper amount to the employer's account and charge that amount in accordance
25 with s. 108.07 (5).

SENATE BILL 255**SECTION 30**

1 **SECTION 30.** 108.04 (13) (d) 3. b. of the statutes is created to read:

2 108.04 (13) (d) 3. b. If recovery of an overpayment is not permitted under s.
3 108.22 (8) (c), restore the proper amount to the employer's account and charge that
4 amount to the fund's balancing account unless s. 108.07 (5) (c) applies.

5 **SECTION 31.** 108.05 (1) (h) and (i) of the statutes are repealed.

6 **SECTION 32.** 108.05 (1) (j) (intro.) of the statutes is amended to read:

7 108.05 (1) (j) (intro.) Each eligible employee shall be paid benefits for each week
8 of total unemployment which commences on or after January 3, 1999, and before
9 April 2, 2000, at the weekly benefit rate specified in this paragraph. Unless sub. (1m)
10 applies, the weekly benefit rate shall equal 4% of the employee's base period wages
11 which were paid during that quarter of the employee's base period in which the
12 employee was paid the highest total wages, rounded down to the nearest whole dollar,
13 except that if that amount is less than the minimum amount shown in the following
14 schedule, no benefits are payable to the employee and if that amount is more than the
15 maximum amount shown in the following schedule, the employee's weekly benefit
16 rate shall be the maximum amount shown in the following schedule and except that
17 if the employee's benefits are exhausted during any week under s. 108.06 (1), the
18 employee shall be paid the remaining amount of benefits payable to the employee in
19 lieu of the amount shown in the following schedule: [See Figure 108.05 (1) (j)
20 following]

21 **SECTION 33.** 108.05 (1) (k) and (L) of the statutes are created to read:

22 108.05 (1) (k) Each eligible employee shall be paid benefits for each week of total
23 unemployment which commences on or after April 2, 2000, and before October 1,
24 2000, at the weekly benefit rate specified in this paragraph. Unless sub. (1m)
25 applies, the weekly benefit rate shall equal 4% of the employee's base period wages

SENATE BILL 255

SECTION 33

which were paid during that quarter of the employee's base period in which the employee was paid the highest total wages, rounded down to the nearest whole dollar, except that if that amount is less than the minimum amount shown in the following schedule, no benefits are payable to the employee and if that amount is more than the maximum amount shown in the following schedule, the employee's weekly benefit rate shall be the maximum amount shown in the following schedule and except that if the employee's benefits are exhausted during any week under s. 108.06 (1), the employee shall be paid the remaining amount of benefits payable to the employee in lieu of the amount shown in the following schedule: [See Figure 108.05 (1) (k) following]

Figure 108.05 (1) (k):

Line	Highest Quarterly Wages Paid	Weekly Benefit Rate
1.	Under \$1,125.00	\$ 0
2.	1,125.00 to 1,149.99	45
3.	1,150.00 to 1,174.99	46
4.	1,175.00 to 1,199.99	47
5.	1,200.00 to 1,224.99	48
6.	1,225.00 to 1,249.99	49
7.	1,250.00 to 1,274.99	50
8.	1,275.00 to 1,299.99	51
9.	1,300.00 to 1,324.99	52

SENATE BILL 255**SECTION 33**

1	10.	1,325.00	to	1,349.99	.....	53
2	11.	1,350.00	to	1,374.99	.....	54
3	12.	1,375.00	to	1,399.99	.....	55
4	13.	1,400.00	to	1,424.99	.....	56
5	14.	1,425.00	to	1,449.99	.....	57
6	15.	1,450.00	to	1,474.99	.....	58
7	16.	1,475.00	to	1,499.99	.....	59
8	17.	1,500.00	to	1,524.99	.....	60
9	18.	1,525.00	to	1,549.99	.....	61
10	19.	1,550.00	to	1,574.99	.....	62
11	20.	1,575.00	to	1,599.99	.....	63
12	21.	1,600.00	to	1,624.99	.....	64
13	22.	1,625.00	to	1,649.99	.....	65
14	23.	1,650.00	to	1,674.99	.....	66
15	24.	1,675.00	to	1,699.99	.....	67
16	25.	1,700.00	to	1,724.99	.....	68
17	26.	1,725.00	to	1,749.99	.....	69
18	27.	1,750.00	to	1,774.99	.....	70
19	28.	1,775.00	to	1,799.99	.....	71
20	29.	1,800.00	to	1,824.99	.....	72
21	30.	1,825.00	to	1,849.99	.....	73
22	31.	1,850.00	to	1,874.99	.....	74
23	32.	1,875.00	to	1,899.99	.....	75
24	33.	1,900.00	to	1,924.99	.....	76

SENATE BILL 255

1	34.	1,925.00	to	1,949.99	.....	77
2	35.	1,950.00	to	1,974.99	.....	78
3	36.	1,975.00	to	1,999.99	.....	79
4	37.	2,000.00	to	2,024.99	.....	80
5	38.	2,025.00	to	2,049.99	.....	81
6	39.	2,050.00	to	2,074.99	.....	82
7	40.	2,075.00	to	2,099.99	.....	83
8	41.	2,100.00	to	2,124.99	.....	84
9	42.	2,125.00	to	2,149.99	.....	85
10	43.	2,150.00	to	2,174.99	.....	86
11	44.	2,175.00	to	2,199.99	.....	87
12	45.	2,200.00	to	2,224.99	.....	88
13	46.	2,225.00	to	2,249.99	.....	89
14	47.	2,250.00	to	2,274.99	.....	90
15	48.	2,275.00	to	2,299.99	.....	91
16	49.	2,300.00	to	2,324.99	.....	92
17	50.	2,325.00	to	2,349.99	.....	93
18	51.	2,350.00	to	2,374.99	.....	94
19	52.	2,375.00	to	2,399.99	.....	95
20	53.	2,400.00	to	2,424.99	.....	96
21	54.	2,425.00	to	2,449.99	.....	97
22	55.	2,450.00	to	2,474.99	.....	98
23	56.	2,475.00	to	2,499.99	.....	99
24	57.	2,500.00	to	2,524.99	.....	100

SENATE BILL 255**SECTION 33**

1	58.	2,525.00	to	2,549.99	.....	101
2	59.	2,550.00	to	2,574.99	.....	102
3	60.	2,575.00	to	2,599.99	.....	103
4	61.	2,600.00	to	2,624.99	.....	104
5	62.	2,625.00	to	2,649.99	.....	105
6	63.	2,650.00	to	2,674.99	.....	106
7	64.	2,675.00	to	2,699.99	.....	107
8	65.	2,700.00	to	2,724.99	.....	108
9	66.	2,725.00	to	2,749.99	.....	109
10	67.	2,750.00	to	2,774.99	.....	110
11	68.	2,775.00	to	2,799.99	.....	111
12	69.	2,800.00	to	2,824.99	.....	112
13	70.	2,825.00	to	2,849.99	.....	113
14	71.	2,850.00	to	2,874.99	.....	114
15	72.	2,875.00	to	2,899.99	.....	115
16	73.	2,900.00	to	2,924.99	.....	116
17	74.	2,925.00	to	2,949.99	.....	117
18	75.	2,950.00	to	2,974.99	.....	118
19	76.	2,975.00	to	2,999.99	.....	119
20	77.	3,000.00	to	3,024.99	.....	120
21	78.	3,025.00	to	3,049.99	.....	121
22	79.	3,050.00	to	3,074.99	.....	122
23	80.	3,075.00	to	3,099.99	.....	123
24	81.	3,100.00	to	3,124.99	.....	124

SENATE BILL 255

1	82.	3,125.00	to	3,149.99	.....	125
2	83.	3,150.00	to	3,174.99	.....	126
3	84.	3,175.00	to	3,199.99	.....	127
4	85.	3,200.00	to	3,224.99	.....	128
5	86.	3,225.00	to	3,249.99	.....	129
6	87.	3,250.00	to	3,274.99	.....	130
7	88.	3,275.00	to	3,299.99	.....	131
8	89.	3,300.00	to	3,324.99	.....	132
9	90.	3,325.00	to	3,349.99	.....	133
10	91.	3,350.00	to	3,374.99	.....	134
11	92.	3,375.00	to	3,399.99	.....	135
12	93.	3,400.00	to	3,424.99	.....	136
13	94.	3,425.00	to	3,449.99	.....	137
14	95.	3,450.00	to	3,474.99	.....	138
15	96.	3,475.00	to	3,499.99	.....	139
16	97.	3,500.00	to	3,524.99	.....	140
17	98.	3,525.00	to	3,549.99	.....	141
18	99.	3,550.00	to	3,574.99	.....	142
19	100.	3,575.00	to	3,599.99	.....	143
20	101.	3,600.00	to	3,624.99	.....	144
21	102.	3,625.00	to	3,649.99	.....	145
22	103.	3,650.00	to	3,674.99	.....	146
23	104.	3,675.00	to	3,699.99	.....	147
24	105.	3,700.00	to	3,724.99	.....	148

SENATE BILL 255**SECTION 33**

1	106.	3,725.00	to	3,749.99	.....	149
2	107.	3,750.00	to	3,774.99	.....	150
3	108.	3,775.00	to	3,799.99	.....	151
4	109.	3,800.00	to	3,824.99	.....	152
5	110.	3,825.00	to	3,849.99	.....	153
6	111.	3,850.00	to	3,874.99	.....	154
7	112.	3,875.00	to	3,899.99	.....	155
8	113.	3,900.00	to	3,924.99	.....	156
9	114.	3,925.00	to	3,949.99	.....	157
10	115.	3,950.00	to	3,974.99	.....	158
11	116.	3,975.00	to	3,999.99	.....	159
12	117.	4,000.00	to	4,024.99	.....	160
13	118.	4,025.00	to	4,049.99	.....	161
14	119.	4,050.00	to	4,074.99	.....	162
15	120.	4,075.00	to	4,099.99	.....	163
16	121.	4,100.00	to	4,124.99	.....	164
17	122.	4,125.00	to	4,149.99	.....	165
18	123.	4,150.00	to	4,174.99	.....	166
19	124.	4,175.00	to	4,199.99	.....	167
20	125.	4,200.00	to	4,224.99	.....	168
21	126.	4,225.00	to	4,249.99	.....	169
22	127.	4,250.00	to	4,274.99	.....	170
23	128.	4,275.00	to	4,299.99	.....	171
24	129.	4,300.00	to	4,324.99	.....	172

SENATE BILL 255**SECTION 33**

1	130.	4,325.00	to	4,349.99	.....	173
2	131.	4,350.00	to	4,374.99	.....	174
3	132.	4,375.00	to	4,399.99	.....	175
4	133.	4,400.00	to	4,424.99	.....	176
5	134.	4,425.00	to	4,449.99	.....	177
6	135.	4,450.00	to	4,474.99	.....	178
7	136.	4,475.00	to	4,499.99	.....	179
8	137.	4,500.00	to	4,524.99	.....	180
9	138.	4,525.00	to	4,549.99	.....	181
10	139.	4,550.00	to	4,574.99	.....	182
11	140.	4,575.00	to	4,599.99	.....	183
12	141.	4,600.00	to	4,624.99	.....	184
13	142.	4,625.00	to	4,649.99	.....	185
14	143.	4,650.00	to	4,674.99	.....	186
15	144.	4,675.00	to	4,699.99	.....	187
16	145.	4,700.00	to	4,724.99	.....	188
17	146.	4,725.00	to	4,749.99	.....	189
18	147.	4,750.00	to	4,774.99	.....	190
19	148.	4,775.00	to	4,799.99	.....	191
20	149.	4,800.00	to	4,824.99	.....	192
21	150.	4,825.00	to	4,849.99	.....	193
22	151.	4,850.00	to	4,874.99	.....	194
23	152.	4,875.00	to	4,899.99	.....	195
24	153.	4,900.00	to	4,924.99	.....	196

SENATE BILL 255**SECTION 33**

1	154.	4,925.00	to	4,949.99	.....	197
2	155.	4,950.00	to	4,974.99	.....	198
3	156.	4,975.00	to	4,999.99	.....	199
4	157.	5,000.00	to	5,024.99	.....	200
5	158.	5,025.00	to	5,049.99	.....	201
6	159.	5,050.00	to	5,074.99	.....	202
7	160.	5,075.00	to	5,099.99	.....	203
8	161.	5,100.00	to	5,124.99	.....	204
9	162.	5,125.00	to	5,149.99	.....	205
10	163.	5,150.00	to	5,174.99	.....	206
11	164.	5,175.00	to	5,199.99	.....	207
12	165.	5,200.00	to	5,224.99	.....	208
13	166.	5,225.00	to	5,249.99	.....	209
14	167.	5,250.00	to	5,274.99	.....	210
15	168.	5,275.00	to	5,299.99	.....	211
16	169.	5,300.00	to	5,324.99	.....	212
17	170.	5,325.00	to	5,349.99	.....	213
18	171.	5,350.00	to	5,374.99	.....	214
19	172.	5,375.00	to	5,399.99	.....	215
20	173.	5,400.00	to	5,424.99	.....	216
21	174.	5,425.00	to	5,449.99	.....	217
22	175.	5,450.00	to	5,474.99	.....	218
23	176.	5,475.00	to	5,499.99	.....	219
24	177.	5,500.00	to	5,524.99	.....	220

SENATE BILL 255

1	178.	5,525.00	to	5,549.99	.....	221
2	179.	5,550.00	to	5,574.99	.....	222
3	180.	5,575.00	to	5,599.99	.....	223
4	181.	5,600.00	to	5,624.99	.....	224
5	182.	5,625.00	to	5,649.99	.....	225
6	183.	5,650.00	to	5,674.99	.....	226
7	184.	5,675.00	to	5,699.99	.....	227
8	185.	5,700.00	to	5,724.99	.....	228
9	186.	5,725.00	to	5,749.99	.....	229
10	187.	5,750.00	to	5,774.99	.....	230
11	188.	5,775.00	to	5,799.99	.....	231
12	189.	5,800.00	to	5,824.99	.....	232
13	190.	5,825.00	to	5,849.99	.....	233
14	191.	5,850.00	to	5,874.99	.....	234
15	192.	5,875.00	to	5,899.99	.....	235
16	193.	5,900.00	to	5,924.99	.....	236
17	194.	5,925.00	to	5,949.99	.....	237
18	195.	5,950.00	to	5,974.99	.....	238
19	196.	5,975.00	to	5,999.99	.....	239
20	197.	6,000.00	to	6,024.99	.....	240
21	198.	6,025.00	to	6,049.99	.....	241
22	199.	6,050.00	to	6,074.99	.....	242
23	200.	6,075.00	to	6,099.99	.....	243
24	201.	6,100.00	to	6,124.99	.....	244

SENATE BILL 255**SECTION 33**

1	202.	6,125.00	to	6,149.99	.....	245
2	203.	6,150.00	to	6,174.99	.....	246
3	204.	6,175.00	to	6,199.99	.....	247
4	205.	6,200.00	to	6,224.99	.....	248
5	206.	6,225.00	to	6,249.99	.....	249
6	207.	6,250.00	to	6,274.99	.....	250
7	208.	6,275.00	to	6,299.99	.....	251
8	209.	6,300.00	to	6,324.99	.....	252
9	210.	6,325.00	to	6,349.99	.....	253
10	211.	6,350.00	to	6,374.99	.....	254
11	212.	6,375.00	to	6,399.99	.....	255
12	213.	6,400.00	to	6,424.99	.....	256
13	214.	6,425.00	to	6,449.99	.....	257
14	215.	6,450.00	to	6,474.99	.....	258
15	216.	6,475.00	to	6,499.99	.....	259
16	217.	6,500.00	to	6,524.99	.....	260
17	218.	6,525.00	to	6,549.99	.....	261
18	219.	6,550.00	to	6,574.99	.....	262
19	220.	6,575.00	to	6,599.99	.....	263
20	221.	6,600.00	to	6,624.99	.....	264
21	222.	6,625.00	to	6,649.99	.....	265
22	223.	6,650.00	to	6,674.99	.....	266
23	224.	6,675.00	to	6,699.99	.....	267
24	225.	6,700.00	to	6,724.99	.....	268

SENATE BILL 255

1	226.	6,725.00	to	6,749.99	.....	269
2	227.	6,750.00	to	6,774.99	.....	270
3	228.	6,775.00	to	6,799.99	.....	271
4	229.	6,800.00	to	6,824.99	.....	272
5	230.	6,825.00	to	6,849.99	.....	273
6	231.	6,850.00	to	6,874.99	.....	274
7	232.	6,875.00	to	6,899.99	.....	275
8	233.	6,900.00	to	6,924.99	.....	276
9	234.	6,925.00	to	6,949.99	.....	277
10	235.	6,950.00	to	6,974.99	.....	278
11	236.	6,975.00	to	6,999.99	.....	279
12	237.	7,000.00	to	7,024.99	.....	280
13	238.	7,025.00	to	7,049.99	.....	281
14	239.	7,050.00	to	7,074.99	.....	282
15	240.	7,075.00	to	7,099.99	.....	283
16	241.	7,100.00	to	7,124.99	.....	284
17	242.	7,125.00	to	7,149.99	.....	285
18	243.	7,150.00	to	7,174.99	.....	286
19	244.	7,175.00	to	7,199.99	.....	287
20	245.	7,200.00	to	7,224.99	.....	288
21	246.	7,225.00	to	7,249.99	.....	289
22	247.	7,250.00	to	7,274.99	.....	290
23	248.	7,275.00	to	7,299.99	.....	291
24	249.	7,300.00	to	7,324.99	.....	292

SENATE BILL 255**SECTION 33**

1	250.	7,325.00	to	7,349.99	.....	293
2	251.	7,350.00	to	7,374.99	.....	294
3	252.	7,375.00	to	7,399.99	.....	295
4	253.	7,400.00	to	7,424.99	.....	296
5	254.	7,425.00	to	7,449.99	.....	297
6	255.	7,450.00	to	7,474.99	.....	298
7	256.	7,475.00	to	7,499.99	.....	299
8	257.	7,500.00	to	7,524.99	.....	300
9	258.	7,525.00	to	7,549.99	.....	301
10	259.	7,550.00	to	7,574.99	.....	302
11	260.	7,575.00	to	7,599.99	.....	303
12	261.	7,600.00	to	7,624.99	.....	304
13	262.	7,625.00	and over	.....		305

(L) Each eligible employee shall be paid benefits for each week of total unemployment which commences on or after October 1, 2000, at the weekly benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate shall equal 4% of the employee's base period wages which were paid during that quarter of the employee's base period in which the employee was paid the highest total wages, rounded down to the nearest whole dollar, except that if that amount is less than the minimum amount shown in the following schedule, no benefits are payable to the employee and if that amount is more than the maximum amount shown in the following schedule, the employee's weekly benefit rate shall be the maximum amount shown in the following schedule and except that if the employee's benefits are exhausted during any week under s. 108.06 (1), the employee shall be paid the

SENATE BILL 255

remaining amount of benefits payable to the employe in lieu of the amount shown in the following schedule: [See Figure 108.05 (1) (L) following]

Figure 108.05 (1) (L):

Line	Highest Quarterly Wages Paid		Weekly Benefit Rate
1.	Under	\$1,150.00	\$ 0
2.	1,150.00 to	1,174.99	46
3.	1,175.00 to	1,199.99	47
4.	1,200.00 to	1,224.99	48
5.	1,225.00 to	1,249.99	49
6.	1,250.00 to	1,274.99	50
7.	1,275.00 to	1,299.99	51
8.	1,300.00 to	1,324.99	52
9.	1,325.00 to	1,349.99	53
10.	1,350.00 to	1,374.99	54
11.	1,375.00 to	1,399.99	55
12.	1,400.00 to	1,424.99	56
13.	1,425.00 to	1,449.99	57
14.	1,450.00 to	1,474.99	58
15.	1,475.00 to	1,499.99	59
16.	1,500.00 to	1,524.99	60
17.	1,525.00 to	1,549.99	61

SENATE BILL 255**SECTION 33**

1	18.	.....	1,550.00	to	1,574.99	.....	62
2	19.	.....	1,575.00	to	1,599.99	.....	63
3	20.	.....	1,600.00	to	1,624.99	.....	64
4	21.	.....	1,625.00	to	1,649.99	.....	65
5	22.	.....	1,650.00	to	1,674.99	.....	66
6	23.	.....	1,675.00	to	1,699.99	.....	67
7	24.	.....	1,700.00	to	1,724.99	.....	68
8	25.	.....	1,725.00	to	1,749.99	.....	69
9	26.	.....	1,750.00	to	1,774.99	.....	70
10	27.	.....	1,775.00	to	1,799.99	.....	71
11	28.	.....	1,800.00	to	1,824.99	.....	72
12	29.	.....	1,825.00	to	1,849.99	.....	73
13	30.	.....	1,850.00	to	1,874.99	.....	74
14	31.	.....	1,875.00	to	1,899.99	.....	75
15	32.	.....	1,900.00	to	1,924.99	.....	76
16	33.	.....	1,925.00	to	1,949.99	.....	77
17	34.	.....	1,950.00	to	1,974.99	.....	78
18	35.	.....	1,975.00	to	1,999.99	.....	79
19	36.	.....	2,000.00	to	2,024.99	.....	80
20	37.	.....	2,025.00	to	2,049.99	.....	81
21	38.	.....	2,050.00	to	2,074.99	.....	82
22	39.	.....	2,075.00	to	2,099.99	.....	83
23	40.	.....	2,100.00	to	2,124.99	.....	84
24	41.	.....	2,125.00	to	2,149.99	.....	85

SENATE BILL 255**SECTION 33**

1	42.	.....	2,150.00	to	2,174.99	.....	86
2	43.	.....	2,175.00	to	2,199.99	.....	87
3	44.	.....	2,200.00	to	2,224.99	.....	88
4	45.	.....	2,225.00	to	2,249.99	.....	89
5	46.	.....	2,250.00	to	2,274.99	.....	90
6	47.	.....	2,275.00	to	2,299.99	.....	91
7	48.	.....	2,300.00	to	2,324.99	.....	92
8	49.	.....	2,325.00	to	2,349.99	.....	93
9	50.	.....	2,350.00	to	2,374.99	.....	94
10	51.	.....	2,375.00	to	2,399.99	.....	95
11	52.	.....	2,400.00	to	2,424.99	.....	96
12	53.	.....	2,425.00	to	2,449.99	.....	97
13	54.	.....	2,450.00	to	2,474.99	.....	98
14	55.	.....	2,475.00	to	2,499.99	.....	99
15	56.	.....	2,500.00	to	2,524.99	.....	100
16	57.	.....	2,525.00	to	2,549.99	.....	101
17	58.	.....	2,550.00	to	2,574.99	.....	102
18	59.	.....	2,575.00	to	2,599.99	.....	103
19	60.	.....	2,600.00	to	2,624.99	.....	104
20	61.	.....	2,625.00	to	2,649.99	.....	105
21	62.	.....	2,650.00	to	2,674.99	.....	106
22	63.	.....	2,675.00	to	2,699.99	.....	107
23	64.	.....	2,700.00	to	2,724.99	.....	108
24	65.	.....	2,725.00	to	2,749.99	.....	109

SENATE BILL 255**SECTION 33**

1	66.	.....	2,750.00	to	2,774.99	.....	110
2	67.	.....	2,775.00	to	2,799.99	.....	111
3	68.	.....	2,800.00	to	2,824.99	.....	112
4	69.	.....	2,825.00	to	2,849.99	.....	113
5	70.	.....	2,850.00	to	2,874.99	.....	114
6	71.	.....	2,875.00	to	2,899.99	.....	115
7	72.	.....	2,900.00	to	2,924.99	.....	116
8	73.	.....	2,925.00	to	2,949.99	.....	117
9	74.	.....	2,950.00	to	2,974.99	.....	118
10	75.	.....	2,975.00	to	2,999.99	.....	119
11	76.	.....	3,000.00	to	3,024.99	.....	120
12	77.	.....	3,025.00	to	3,049.99	.....	121
13	78.	.....	3,050.00	to	3,074.99	.....	122
14	79.	.....	3,075.00	to	3,099.99	.....	123
15	80.	.....	3,100.00	to	3,124.99	.....	124
16	81.	.....	3,125.00	to	3,149.99	.....	125
17	82.	.....	3,150.00	to	3,174.99	.....	126
18	83.	.....	3,175.00	to	3,199.99	.....	127
19	84.	.....	3,200.00	to	3,224.99	.....	128
20	85.	.....	3,225.00	to	3,249.99	.....	129
21	86.	.....	3,250.00	to	3,274.99	.....	130
22	87.	.....	3,275.00	to	3,299.99	.....	131
23	88.	.....	3,300.00	to	3,324.99	.....	132
24	89.	3,325.00	to	3,349.99	133

SENATE BILL 255**SECTION 33**

1	90.	.....	3,350.00	to	3,374.99	.....	134
2	91.	.....	3,375.00	to	3,399.99	.....	135
3	92.	.....	3,400.00	to	3,424.99	.....	136
4	93.	.....	3,425.00	to	3,449.99	.....	137
5	94.	.....	3,450.00	to	3,474.99	.....	138
6	95.	.....	3,475.00	to	3,499.99	.....	139
7	96.	.....	3,500.00	to	3,524.99	.....	140
8	97.	.....	3,525.00	to	3,549.99	.....	141
9	98.	.....	3,550.00	to	3,574.99	.....	142
10	99.	.....	3,575.00	to	3,599.99	.....	143
11	100.	.....	3,600.00	to	3,624.99	.....	144
12	101.	.....	3,625.00	to	3,649.99	.....	145
13	102.	.....	3,650.00	to	3,674.99	.....	146
14	103.	.....	3,675.00	to	3,699.99	.....	147
15	104.	.....	3,700.00	to	3,724.99	.....	148
16	105.	.....	3,725.00	to	3,749.99	.....	149
17	106.	.....	3,750.00	to	3,774.99	.....	150
18	107.	.....	3,775.00	to	3,799.99	.....	151
19	108.	.....	3,800.00	to	3,824.99	.....	152
20	109.	.....	3,825.00	to	3,849.99	.....	153
21	110.	.....	3,850.00	to	3,874.99	.....	154
22	111.	.....	3,875.00	to	3,899.99	.....	155
23	112.	.....	3,900.00	to	3,924.99	.....	156
24	113.	.....	3,925.00	to	3,949.99	.....	157

SENATE BILL 255**SECTION 33**

1	114.	3,950.00	to	3,974.99	.....	158
2	115.	3,975.00	to	3,999.99	.....	159
3	116.	4,000.00	to	4,024.99	.....	160
4	117.	4,025.00	to	4,049.99	.....	161
5	118.	4,050.00	to	4,074.99	.....	162
6	119.	4,075.00	to	4,099.99	.....	163
7	120.	4,100.00	to	4,124.99	.....	164
8	121.	4,125.00	to	4,149.99	.....	165
9	122.	4,150.00	to	4,174.99	.....	166
10	123.	4,175.00	to	4,199.99	.....	167
11	124.	4,200.00	to	4,224.99	.....	168
12	125.	4,225.00	to	4,249.99	.....	169
13	126.	4,250.00	to	4,274.99	.....	170
14	127.	4,275.00	to	4,299.99	.....	171
15	128.	4,300.00	to	4,324.99	.....	172
16	129.	4,325.00	to	4,349.99	.....	173
17	130.	4,350.00	to	4,374.99	.....	174
18	131.	4,375.00	to	4,399.99	.....	175
19	132.	4,400.00	to	4,424.99	.....	176
20	133.	4,425.00	to	4,449.99	.....	177
21	134.	4,450.00	to	4,474.99	.....	178
22	135.	4,475.00	to	4,499.99	.....	179
23	136.	4,500.00	to	4,524.99	.....	180
24	137.	4,525.00	to	4,549.99	.....	181

SENATE BILL 255

1	138.	4,550.00	to	4,574.99	.....	182
2	139.	4,575.00	to	4,599.99	.....	183
3	140.	4,600.00	to	4,624.99	.....	184
4	141.	4,625.00	to	4,649.99	.....	185
5	142.	4,650.00	to	4,674.99	.....	186
6	143.	4,675.00	to	4,699.99	.....	187
7	144.	4,700.00	to	4,724.99	.....	188
8	145.	4,725.00	to	4,749.99	.....	189
9	146.	4,750.00	to	4,774.99	.....	190
10	147.	4,775.00	to	4,799.99	.....	191
11	148.	4,800.00	to	4,824.99	.....	192
12	149.	4,825.00	to	4,849.99	.....	193
13	150.	4,850.00	to	4,874.99	.....	194
14	151.	4,875.00	to	4,899.99	.....	195
15	152.	4,900.00	to	4,924.99	.....	196
16	153.	4,925.00	to	4,949.99	.....	197
17	154.	4,950.00	to	4,974.99	.....	198
18	155.	4,975.00	to	4,999.99	.....	199
19	156.	5,000.00	to	5,024.99	.....	200
20	157.	5,025.00	to	5,049.99	.....	201
21	158.	5,050.00	to	5,074.99	.....	202
22	159.	5,075.00	to	5,099.99	.....	203
23	160.	5,100.00	to	5,124.99	.....	204
24	161.	5,125.00	to	5,149.99	.....	205

SENATE BILL 255**SECTION 33**

1	162.	5,150.00	to	5,174.99	.....	206
2	163.	5,175.00	to	5,199.99	.....	207
3	164.	5,200.00	to	5,224.99	.....	208
4	165.	5,225.00	to	5,249.99	.....	209
5	166.	5,250.00	to	5,274.99	.....	210
6	167.	5,275.00	to	5,299.99	.....	211
7	168.	5,300.00	to	5,324.99	.....	212
8	169.	5,325.00	to	5,349.99	.....	213
9	170.	5,350.00	to	5,374.99	.....	214
10	171.	5,375.00	to	5,399.99	.....	215
11	172.	5,400.00	to	5,424.99	.....	216
12	173.	5,425.00	to	5,449.99	.....	217
13	174.	5,450.00	to	5,474.99	.....	218
14	175.	5,475.00	to	5,499.99	.....	219
15	176.	5,500.00	to	5,524.99	.....	220
16	177.	5,525.00	to	5,549.99	.....	221
17	178.	5,550.00	to	5,574.99	.....	222
18	179.	5,575.00	to	5,599.99	.....	223
19	180.	5,600.00	to	5,624.99	.....	224
20	181.	5,625.00	to	5,649.99	.....	225
21	182.	5,650.00	to	5,674.99	.....	226
22	183.	5,675.00	to	5,699.99	.....	227
23	184.	5,700.00	to	5,724.99	.....	228
24	185.	5,725.00	to	5,749.99	.....	229

SENATE BILL 255

1	186.	5,750.00	to	5,774.99	.....	230
2	187.	5,775.00	to	5,799.99	.....	231
3	188.	5,800.00	to	5,824.99	.....	232
4	189.	5,825.00	to	5,849.99	.....	233
5	190.	5,850.00	to	5,874.99	.....	234
6	191.	5,875.00	to	5,899.99	.....	235
7	192.	5,900.00	to	5,924.99	.....	236
8	193.	5,925.00	to	5,949.99	.....	237
9	194.	5,950.00	to	5,974.99	.....	238
10	195.	5,975.00	to	5,999.99	.....	239
11	196.	6,000.00	to	6,024.99	.....	240
12	197.	6,025.00	to	6,049.99	.....	241
13	198.	6,050.00	to	6,074.99	.....	242
14	199.	6,075.00	to	6,099.99	.....	243
15	200.	6,100.00	to	6,124.99	.....	244
16	201.	6,125.00	to	6,149.99	.....	245
17	202.	6,150.00	to	6,174.99	.....	246
18	203.	6,175.00	to	6,199.99	.....	247
19	204.	6,200.00	to	6,224.99	.....	248
20	205.	6,225.00	to	6,249.99	.....	249
21	206.	6,250.00	to	6,274.99	.....	250
22	207.	6,275.00	to	6,299.99	.....	251
23	208.	6,300.00	to	6,324.99	.....	252
24	209.	6,325.00	to	6,349.99	.....	253

SENATE BILL 255**SECTION 33**

1	210.	6,350.00	to	6,374.99	.....	254
2	211.	6,375.00	to	6,399.99	.....	255
3	212.	6,400.00	to	6,424.99	.....	256
4	213.	6,425.00	to	6,449.99	.....	257
5	214.	6,450.00	to	6,474.99	.....	258
6	215.	6,475.00	to	6,499.99	.....	259
7	216.	6,500.00	to	6,524.99	.....	260
8	217.	6,525.00	to	6,549.99	.....	261
9	218.	6,550.00	to	6,574.99	.....	262
10	219.	6,575.00	to	6,599.99	.....	263
11	220.	6,600.00	to	6,624.99	.....	264
12	221.	6,625.00	to	6,649.99	.....	265
13	222.	6,650.00	to	6,674.99	.....	266
14	223.	6,675.00	to	6,699.99	.....	267
15	224.	6,700.00	to	6,724.99	.....	268
16	225.	6,725.00	to	6,749.99	.....	269
17	226.	6,750.00	to	6,774.99	.....	270
18	227.	6,775.00	to	6,799.99	.....	271
19	228.	6,800.00	to	6,824.99	.....	272
20	229.	6,825.00	to	6,849.99	.....	273
21	230.	6,850.00	to	6,874.99	.....	274
22	231.	6,875.00	to	6,899.99	.....	275
23	232.	6,900.00	to	6,924.99	.....	276
24	233.	6,925.00	to	6,949.99	.....	277

SENATE BILL 255**SECTION 33**

1	234.	6,950.00	to	6,974.99	.....	278
2	235.	6,975.00	to	6,999.99	.....	279
3	236.	7,000.00	to	7,024.99	.....	280
4	237.	7,025.00	to	7,049.99	.....	281
5	238.	7,050.00	to	7,074.99	.....	282
6	239.	7,075.00	to	7,099.99	.....	283
7	240.	7,100.00	to	7,124.99	.....	284
8	241.	7,125.00	to	7,149.99	.....	285
9	242.	7,150.00	to	7,174.99	.....	286
10	243.	7,175.00	to	7,199.99	.....	287
11	244.	7,200.00	to	7,224.99	.....	288
12	245.	7,225.00	to	7,249.99	.....	289
13	246.	7,250.00	to	7,274.99	.....	290
14	247.	7,275.00	to	7,299.99	.....	291
15	248.	7,300.00	to	7,324.99	.....	292
16	249.	7,325.00	to	7,349.99	.....	293
17	250.	7,350.00	to	7,374.99	.....	294
18	251.	7,375.00	to	7,399.99	.....	295
19	252.	7,400.00	to	7,424.99	.....	296
20	253.	7,425.00	to	7,449.99	.....	297
21	254.	7,450.00	to	7,474.99	.....	298
22	255.	7,475.00	to	7,499.99	.....	299
23	256.	7,500.00	to	7,524.99	.....	300
24	257.	7,525.00	to	7,549.99	.....	301

SENATE BILL 255**SECTION 33**

1	258.	7,550.00	to	7,574.99	.....	302
2	259.	7,575.00	to	7,599.99	.....	303
3	260.	7,600.00	to	7,624.99	.....	304
4	261.	7,625.00	to	7,649.99	.....	305
5	262.	7,650.00	to	7,674.99	.....	306
6	263.	7,675.00	to	7,699.99	.....	307
7	264.	7,700.00	to	7,724.99	.....	308
8	265.	7,725.00	to	7,749.99	.....	309
9	266.	7,750.00	to	7,774.99	.....	310
10	267.	7,775.00	to	7,799.99	.....	311
11	268.	7,800.00	to	7,824.99	.....	312
12	269.	7,825.00	and over	.....		313

SECTION 34. 108.05 (3) (a) of the statutes is amended to read:

108.05 (3) (a) Except as provided in ~~par.~~ pars. (b) and (c), if an eligible employee earns wages in a given week, the first \$30 of the wages shall be disregarded and the employee's applicable weekly benefit payment shall be reduced by 67% of the remaining amount, except that no such employee is eligible for benefits if the employee's benefit payment would be less than \$5 for any week. For purposes of this paragraph, "wages" includes any salary reduction amounts earned that are not wages and that are deducted from the salary of a claimant by an employer pursuant to a salary reduction agreement under a cafeteria plan, within the meaning of 26 USC 125, and any amount that a claimant would have earned in available work which is treated as wages under s. 108.04 (1) (a), but excludes any amount that a claimant earns for services performed as a volunteer fire fighter or volunteer

SENATE BILL 255

1 emergency medical technician. In applying this paragraph, the department shall
2 disregard discrepancies of less than \$2 between wages reported by employes and
3 employers.

4 **SECTION 35.** 108.05 (3) (c) of the statutes is created to read:

5 108.05 (3) (c) A claimant is ineligible to receive any benefits for a week in which
6 the claimant works a total of 40 or more hours for one or more employing units.

7 **SECTION 36.** 108.06 (2) (cm) of the statutes is created to read:

8 108.06 (2) (cm) If an employe qualifies to receive benefits using the base period
9 described in s. 108.02 (4) (b), the wages used to compute the employe's benefit
10 entitlement are not available for use in any subsequent benefit computation for the
11 same employe, except under s. 108.141 or 108.142.

12 **SECTION 37.** 108.09 (2) (bm) of the statutes is amended to read:

13 108.09 (2) (bm) In determining whether an individual meets the conditions
14 specified in s. 108.02 (12) (b) 2. a. or b. or (bm) 1. or 2., the department shall not
15 consider documents granting operating authority or licenses, or any state or federal
16 laws or federal regulations granting such authority or licenses.

17 **SECTION 38.** 108.09 (4s) of the statutes is amended to read:

18 108.09 (4s) EMPLOYEE STATUS. In determining whether an individual meets the
19 conditions specified in s. 108.02 (12) (b) 2. a. or b. or (bm) 1. or 2., the appeal tribunal
20 shall not take administrative notice of or admit into evidence documents granting
21 operating authority or licenses, or any state or federal laws or federal regulations
22 granting such authority or licenses.

23 **SECTION 39.** 108.095 of the statutes is created to read:

24 **108.095 False statements or representations to obtain benefits payable**
25 **to other persons.** (1) The procedures under this section apply to any issue arising

SENATE BILL 255**SECTION 39**

1 under this chapter concerning any alleged false statement or representation of a
2 person to obtain benefits that are payable to another person, and are in addition to
3 any determination, decision or other procedure provided under s. 108.09. The
4 procedures under this section apply whether or not a penalty for an offense is
5 provided under s. 108.24.

6 (2) The department shall investigate whether any person has obtained benefits
7 that were payable to another person by means of any false statement or
8 representation, and may issue an initial determination concerning its findings. The
9 department shall mail a copy of the determination to the last-known address of each
10 party affected thereby. Unless designated by a determination under this section, an
11 employing unit is not a party to the determination. The department may set aside
12 or amend the determination at any time prior to a hearing concerning the
13 determination under sub. (5) on the basis of subsequent information or to correct a
14 mistake, including an error of law.

15 (3) Any party to a determination may appeal that determination by requesting
16 a hearing concerning any matter in that determination if the request is received by
17 the department or postmarked within 14 days after the mailing.

18 (4) Upon issuance of a determination, the department is a party to the
19 determination.

20 (5) Any hearing shall be held before an appeal tribunal appointed under s.
21 108.09 (3). Section 108.09 (4) and (5) applies to the proceeding before the tribunal.

22 (6) Any party may petition the commission for review of the decision of the
23 appeal tribunal under s. 108.09 (6). The commission's authority to take action
24 concerning any issue or proceeding under this section is the same as that provided
25 in s. 108.09 (6).

SENATE BILL 255

SECTION 39

1 (7) Any party may commence an action for judicial review of a decision of the
2 commission under this section, after exhausting the remedies provided under this
3 section, by commencing the action within 30 days after the decision of the
4 commission is mailed to the department and the last-known address of each other
5 party. The scope and manner of judicial review is the same as that provided in s.
6 108.09 (7).

7 (8) The mailing of determinations and decisions under this section shall be first
8 class and may include the use of services performed by the postal service requiring
9 the payment of extra fees.

10 **SECTION 40.** 108.15 (3) (e) of the statutes is amended to read:

11 108.15 (3) (e) Each time a government unit elects or reelects contribution
12 financing its initial contribution rate shall be 2.7% on its payroll for each of the first
13 3 calendar years in which such election or reelection is in effect, ~~plus any~~
14 ~~contributions payable under s. 108.18 (2) (b).~~ If a government unit terminates its
15 election of contribution financing it may not reelect contribution financing within a
16 period of 3 calendar years thereafter.

17 **SECTION 41.** 108.151 (1) of the statutes is amended to read:

18 108.151 (1) EMPLOYER'S CONTRIBUTION RATE. Each nonprofit organization which
19 is or becomes an employer subject to this chapter shall be subject to all its provisions
20 except as it may elect reimbursement financing in accordance with sub. (2). If such
21 an approved election is terminated, the employer's contribution rate shall be 2.7%
22 on its payroll for each of the next 3 calendar years, ~~plus any contributions payable~~
23 ~~under s. 108.18 (2) (b).~~

24 **SECTION 42.** 108.16 (6) (e) of the statutes is amended to read:

SENATE BILL 255**SECTION 42**

1 108.16 (6) (e) The amount of any benefit check duly issued and delivered or
2 mailed to an employee, if such check has not been presented for payment within one
3 year after its date of issue; provided that a substitute check may be issued and
4 charged to the balancing account, ~~at any time within the next following year if the~~
5 employee makes application therefor within 6 years after the date of issue of the
6 original check;

7 **SECTION 43.** 108.16 (6m) (e) of the statutes is amended to read:

8 108.16 (6m) (e) Any overpayment of benefits that is written off under sub. (3),
9 unless it is chargeable to an employer's account under s. 108.04 (13) ~~(e) or (d)~~.

10 **SECTION 44.** 108.161 (3e) of the statutes is created to read:

11 108.161 (3e) Notwithstanding sub. (3), any moneys allocated under section 903
12 of the federal Social Security Act for federal fiscal years 2000, 2001 and 2002 shall
13 be used solely for unemployment insurance administration.

14 **SECTION 45.** 108.18 (2) (b) of the statutes is repealed.

15 **SECTION 46.** 108.18 (2) (c) of the statutes is amended to read:

16 108.18 (2) (c) An employer engaged in the construction of roads, bridges,
17 highways, sewers, water mains, utilities, public buildings, factories, housing, or
18 similar construction projects shall pay contributions for each of the first 3 calendar
19 years at the average rate for construction industry employers as determined by the
20 department on each computation date, rounded up to the next highest rate, ~~except~~
21 ~~as additional contributions apply under par. (b)~~. This rate may in no case be more
22 than the maximum rate specified in the schedule in effect for the year of the
23 computation under sub. (4).

24 **SECTION 47.** 108.18 (9) (figure) Schedule C, line 1 of the statutes is amended
25 to read:

SENATE BILL 255

SECTION 47

1 108.18 (9) (figure) Schedule C

2 1 0.00 0.02 0.00 0.05

3 **SECTION 48.** 108.18 (9) (figure) Schedule D, line 1 of the statutes is amended
4 to read:

5 108.18 (9) (figure) Schedule D

6 1 0.00 0.02 0.00 0.05

7 **SECTION 49.** 108.19 (1e) (a) of the statutes is amended to read:

8 108.19 (1e) (a) Except as provided in par. (b), each employer, other than an
9 employer which finances benefits under s. 108.15 or 108.151 shall, in addition to
10 other contributions payable under s. 108.18 and this section, pay an assessment to
11 the administrative account for each year prior to the year 2000 2002 equal to the
12 lesser of 0.01% of its payroll for that year or the solvency contribution that would
13 otherwise be payable by the employer under s. 108.18 (9) for that year.

14 **SECTION 50.** 108.19 (1e) (d) of the statutes is amended to read:

15 108.19 (1e) (d) The department may expend the moncyys received from
16 assessments levied under this subsection for the ~~design or development of renovation~~
17 and modernization of the unemployment insurance information technology systems
18 tax and accounting system, including development and implementation of a new
19 system and reengineering of automated processes and manual business functions.

20 **SECTION 51.** 108.20 (3) of the statutes is amended to read:

21 108.20 (3) There shall be included in the moneys governed by sub. (2m) any
22 amounts collected by the department under ss. 108.04 (11) (c) and (cm) and 108.22
23 (1) (a) and (ac) as tardy filing fees, forfeitures ~~or~~, interest on delinquent payments or
24 other penalties and any excess moneys collected under s. 108.19 (1m).

SENATE BILL 255

SECTION 52

1 **SECTION 52.** 108.20 (5) to (9) of the statutes are repealed.

2 **SECTION 53.** 108.205 (2) of the statutes is amended to read:

3 108.205 (2) All employers of ~~250~~ 100 or more employees, as determined under
4 s. 108.22 (1) (ae), shall file the quarterly report under sub. (1) using ~~a medium~~ an
5 electronic medium approved by the department for such employers. An employer
6 that becomes subject to the reporting requirement under this subsection shall file its
7 initial report under this subsection for the 4th quarter beginning after the quarter
8 in which the employer becomes subject to the reporting requirement. Once an
9 employer becomes subject to the reporting requirement under this subsection, the
10 employer shall continue to file its quarterly reports under this subsection unless that
11 requirement is waived by the department.

12 **SECTION 54.** 108.22 (1) (a) 1. of the statutes is amended to read:

13 108.22 (1) (a) 1. For 1 to 100 employees, ~~\$15~~ \$25.

14 **SECTION 55.** 108.22 (1) (a) 2. to 4. of the statutes are repealed.

15 **SECTION 56.** 108.22 (1) (a) 5. of the statutes is renumbered 108.22 (1) (a) 2. and
16 amended to read:

17 108.22 (1) (a) 2. For more than ~~400~~ 100 employees, ~~\$115~~ \$75.

18 **SECTION 57.** 108.22 (1) (ac) of the statutes is created to read:

19 108.22 (1) (ac) In addition to any fee assessed under par. (a), an employer that
20 is subject to the reporting requirement under s. 108.205 (2) and that fails to file its
21 report in a format prescribed under that subsection may be assessed a penalty of \$10
22 for each employee whose information is not reported in a format prescribed under s.
23 108.205 (2).

24 **SECTION 58.** 108.22 (1) (b) of the statutes is amended to read:

SENATE BILL 255**SECTION 58**

1 108.22 (1) (b) If the due date of a report or payment under s. 108.15 (5) (b),
2 108.151 (5) (f), 108.16 (8), 108.17 (2) or 108.205 would otherwise be a Saturday,
3 Sunday or legal holiday under state or federal law, the due date is the next following
4 day which is not a Saturday, Sunday or legal holiday under state or federal law.

5 **SECTION 59.** 108.22 (1) (c) of the statutes is amended to read:

6 108.22 (1) (c) Any report or payment, except a payment required by s. 108.15
7 (5) (b) or 108.151 (5) (f), to which this subsection applies is delinquent, within the
8 meaning of par. (a), unless it is received by the department, in the form prescribed
9 by law or rule of the department, no later than its due date as determined under par.
10 (b), or if mailed is either postmarked no later than that due date or is received by the
11 department no later than 3 days after that due date. Any payment required by s.
12 108.15 (5) (b) or 108.151 (5) (f) is delinquent, within the meaning of par. (a), unless
13 it is received by the department, in the form prescribed by law, no later than ~~its due~~
14 date the last day of the month in which it is due.

15 **SECTION 60.** 108.22 (8) (c) 1. a. of the statutes is amended to read:

16 108.22 (8) (c) 1. a. The overpayment was the result of a departmental error,
17 ~~whether or not an~~ and was not the fault of any employer is also at fault under s.
18 108.04 (13) (f); and

19 **SECTION 61. Nonstatutory provisions.**

20 (1) DEFINITIONS. In this SECTION:

21 (a) "Department" means the department of workforce development.

22 (b) "Employer" has the meaning given in section 108.02 (13) of the statutes.

23 (2) NOTICE OF LEVY FOR YEAR 2000. Notwithstanding section 108.19 (1e) (b) of the
24 statutes, if this subsection takes effect after October 31, 1999, the department may,
25 no later than the 30th day commencing after the effective date of this subsection,

SENATE BILL 255**SECTION 61**

1 publish a notice under that paragraph of an assessment to be levied against
2 employers under section 108.19 (1e) of the statutes, as created by this act, in the year
3 2000.

SECTION 62. Initial applicability.

4
5 (1) The treatment of sections 108.02 (4) and 108.06 (2) (cm) of the statutes first
6 applies to benefit years beginning on July 2, 2000.

7 (2) The treatment of sections 108.02 (12) (a), (b) (intro.) and (bm) and 108.09
8 (2) (bm) and (4s) (with respect to contribution requirements) of the statutes first
9 applies to services performed on January 1, 2000.

10 (3) The treatment of sections 108.02 (12) (a), (b) (intro.) and (bm) and 108.09
11 (2) (bm) and (4s) (with respect to benefit eligibility) of the statutes first applies to
12 benefit years beginning on April 2, 2000.

13 (4) The treatment of section 108.04 (1) (b) 2. and (c) of the statutes first applies
14 with respect to leaves of absence commencing on April 2, 2000.

15 (5) The treatment of section 108.04 (2) (a) 1., 2. and 3. of the statutes first
16 applies with respect to weeks of unemployment beginning on April 2, 2000.

17 (6) The treatment of section 108.04 (7) (b), (cm), (h), (i) and (s) of the statutes
18 first applies with respect to terminations commencing on April 2, 2000.

19 (7) The treatment of sections 108.04 (11) (cm) and 108.095 of the statutes first
20 applies with respect to false statements and representations made on April 2, 2000.

21 (8) The treatment of section 108.05 (3) (a) and (c) of the statutes first applies
22 with respect to weeks of unemployment beginning on April 2, 2000.

23 (9) The treatment of section 108.16 (6) (e) of the statutes first applies with
24 respect to unemployment insurance benefit checks issued on January 1, 1995.

SENATE BILL 255

1 (10) The treatment of section 108.22 (1) (b) and (c) of the statutes first applies
2 to reimbursements billed in the month following the month that includes the
3 effective date of this subsection.

(11) The treatment of section 108.18 (9) (figure) Schedule C and Schedule D of the statutes first applies with respect to payrolls beginning on January 1, 2000.

(12) The treatment of sections 108.20 (3), 108.205 (2) and 108.22 (1) (a) 1. to 5. and (ac) of the statutes first applies with respect to reports due for the calendar quarter ending on March 31, 2000.

9 **SECTION 63. Effective dates.** This act takes effect on the first Sunday after
10 publication, except as follows:

11 (1) The treatment of sections 108.02 (12) (a), (b) (intro.) and (bm), 108.09 (2)
12 (bm) and (4s), 108.15 (3) (e), 108.151 (1) and 108.18 (2) (b) and (c) of the statutes takes
13 effect on January 1, 2000.

14 (END)